



State of California
Commission on Judicial Performance
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September 13, 1993

Honorable James M. Slater
Judge of the Superior Court
County of Santa Barbara
1100 Anacapa Street
Santa Barbara, CA 93101

Dear Judge Slater:

The Commission on Judicial Performance has determined that you should be publicly reprovved for the following conduct:

"On April 21, 1993, Judge Slater returned to the Santa Barbara courthouse parking lot after the lunch hour to find a van parked in his reserved parking space. Judge Slater parked in a space reserved for someone else and went into the courthouse, where he contacted the court administrator and said that he wanted the van towed. Judge Slater then returned to the parking lot, where he deflated the right front tire of the van. The van in question belonged to a handicapped person.

Findings of misconduct in formal proceedings must be established by clear and convincing evidence. In this case, there was sufficient evidence to support a finding that Judge Slater deflated the right front tire of the van. However, there was not sufficient evidence to establish that Judge Slater was aware that the van belonged to a handicapped person, or to establish that he made any comment which might have indicated such awareness. There also was not sufficient evidence to establish that Judge Slater later denied deflating the tire.

Judge Slater has offered that he was upset about previous incidents in which his parking space had been usurped, and about a previous vandalism of his automobile. Judge Slater has presented as justification that his intent was to keep the van in the parking lot until it could be cited and towed. The commission found that these concerns did not justify Judge Slater's conduct.

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After conducting an investigation of the incident, the Santa Barbara County District Attorney issued a report concluding that Judge Slater had engaged in unjustified tampering with a vehicle within the meaning of Vehicle Code Section 10852, but stating that the matter would not be prosecuted.

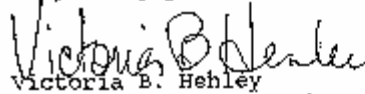
The commission found, and Judge Slater agreed, that Judge Slater's conduct was contrary the California Code of Judicial Conduct. Canon 2 of the California Code of Judicial Conduct provides that a judge "should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 1 of the Code of Judicial Conduct provides that a judge "should participate in establishing, maintaining and enforcing high standards of conduct, and should personally observe those standards so that the integrity and independence of the judiciary will be preserved."

The commission noted that the judge's conduct had led to extensive negative publicity tending to diminish public confidence in the judiciary and bring the judiciary into disrepute.

In mitigation, the commission took into account Judge Slater's lengthy service without discipline and noted that the incident appeared to be an isolated one and that Judge Slater had admitted his misconduct and had expressed remorse. The commission considered that Judge Slater had apologized to the owner of the van, and had met with an organization of disabled persons to discuss improving access to public buildings and the sensitivity of government employees to problems of the handicapped."

This public reproof is being issued with your consent.

Very truly yours,


Victoria B. Hehley
Director-Chief Counsel

VBH:bw